

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr390

UNITED STATES OF AMERICA

vs.

RECCO SALAVES MEEKS

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine. (Doc. No. 407).

The defendant was sentenced to achieve an aggregate sentence of 240 months' imprisonment pursuant to the mandatory minimum sentence prescribed in 21 U.S.C. § 841(b)(1)(A), based on his guilty plea to conspiracy to possess with intent to distribute 50 grams or more of a mixture and substance containing cocaine base.¹ (Doc. No. 143: Plea Agreement; Doc. No. 193: § 851 Notice; Doc. No. 286: Judgment; Doc. No. 287: Statement of Reasons). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum); United States v. Hood, 556 F.3d 226, 233 (4th Cir. 2009).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

¹ The sentence was adjusted to give the defendant credit for time spent in state custody for the same conduct. (Doc. No. 285: Order).

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 9, 2009

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge



SEALED DOCUMENT with access to All Parties/Defendants